



**Comments of the  
Motor & Equipment Manufacturers Association (MEMA)**

**Before the  
Federal Communications Commission**

**Re: Consumer and Governmental Affairs Bureau Seeks Comment  
on Petition for Emergency Declaratory Ruling Filed by IHS Markit Ltd.**

**CG Docket No. 02-278**

**November 5, 2018**

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The Motor & Equipment Manufacturers Association (MEMA) submits these comments to the Federal Communications Commission (FCC) on the public notice titled “Consumer and Governmental Affairs Bureaus Seeks Comment on Petition for Emergency Declaratory Ruling Filed by IHS Markit LTD.”

**About MEMA**

MEMA represents 1,000 vehicle suppliers that manufacture and remanufacture new original equipment and aftermarket components and systems for use in passenger cars and heavy trucks.<sup>1</sup> Our members lead the way in developing advanced, transformative technologies that enable safer, smarter, and more efficient vehicles, all within a rapidly growing global marketplace with increased regulatory and customer demands.

Vehicle suppliers are the largest sector of manufacturing jobs in the United States, directly employing over 871,000 Americans in all 50 states plus the District of Columbia. Together with indirect and employment-induced jobs, the total employment impact of the motor vehicle parts manufacturing industry is 4.26 million jobs. Nearly \$435 billion in economic contribution to the U.S. GDP is generated by motor vehicle parts manufacturers and their supported activity. In total, motor vehicle parts suppliers contribute more than 77 percent of the value in today’s vehicles.

**MEMA Supports the Petition by IHS Markit**

MEMA supports the petition filed by IHS Markit because of the important public safety role of recall-related calls and texts. Completing work to remedy motor vehicle safety recalls is an important facet of improving motor vehicle safety.

The motor vehicle safety recall-related calls and texts performed by IHS Markit serve a well-recognized public safety purpose and do not reflect the type of harassing commercial robocalls

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<sup>1</sup> MEMA represents its members through four divisions: Automotive Aftermarket Suppliers Association (AASA); Heavy Duty Manufacturers Association (HDMA); Motor & Equipment Remanufacturers Association (MERA); and, Original Equipment Suppliers Association (OESA).

that the Telephone Consumer Protection Act (TCPA) was designed to restrict. Instead, motor vehicle safety recall communications save lives.

Applying the “emergency purposes” exception at 47 U.S.C. § 227(b)(1)(A)(iii) to motor vehicle safety recall-related calls is consistent with the TCPA’s legislative history, which focused on restricting “intrusive, nuisance calls to [consumers’] homes from telemarketers,” not public safety outreach.<sup>2</sup> Additionally, this exception is consistent FCC’s prior guidance. For example, the Commission has consistently confirmed that calls regarding demonstrated risks to the public health and safety fall within the TCPA’s “emergency purposes” exemption. Furthermore, the Commission’s implementing regulations explicitly define “emergency purposes” to refer to “calls made necessary in any situation affecting *the health and safety of consumers*.”<sup>3</sup>

As the petition from IHS Markit highlights, an insufficient number of consumers are reachable by landline numbers alone. Additionally, as the National Highway Traffic Safety Administration (NHTSA) found in its May 2017 Report to Congress, only 67 percent of vehicles recalled by major, light vehicle manufacturers between 2010 and 2014 were remedied.<sup>4</sup> These two realities make it imperative that IHS Markit be able to contact and notify consumers about these important safety issues via recall-related calls and texts. Therefore, it is critical that the FCC issue the requested declaratory ruling on an emergency basis, given the grave public safety risks presented by motor vehicle safety recalls.

## Conclusion

In closing, MEMA reiterates its support for the petition by IHS Markit.

Thank you for consideration of these comments. For more information, please do not hesitate to contact Catherine Boland, vice president of legislative affairs at 202-312-9241 or [cboland@mema.org](mailto:cboland@mema.org).

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<sup>2</sup> 137 Cong. Rec. 18,781 (Nov. 27, 1991).

<sup>3</sup> 47 C.F.R. § 64.1200(f)(4) (emphasis added).

<sup>4</sup> NHTSA, “Vehicle Safety Recall Completion Rates Report” (May 2017).